

Office of Child Welfare Programs

Policy
Transmittal

Maurita Johnson, Deputy Director

Authorized Signature

Number: CW-PT-14-004

Issue Date: 1/15/14

Topic: Other

Transmitting (check the box that best applies):

- ☐ New policy ☒ Policy change ☐ Policy clarification ☐ Executive letter
☒ Administrative Rule ☐ Manual update ☐ Other: _____

Applies to (check all that apply):

- ☐ All DHS employees ☐ County DD Program Managers
☐ Area Agencies on Aging ☐ County Mental Health Directors
☐ Aging and People with Disabilities ☐ Health Services
☒ Children, Adults and Families ☐ Other (please specify): _____

Policy/rule title:	Confidentiality of Client Information (I-A.3.2)		
Policy/rule number(s):	OAR 413-010-0000 thru 0075	Release no:	
Effective date:	1/1/14	Expiration:	N/A
References:	Senate Bill 622 (2013): https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/SB622/Enrolled Senate Bill 623 (2013): https://olis.leg.state.or.us/liz/2013R1/Downloads/MeasureDocument/SB623/Enrolled		
Web Address:	The revised rules are available at: http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a32.pdf		

Discussion/interpretation:

The administrative rules on confidentiality of client information have been amended effective January 1, 2014 to implement changes made by Senate Bills (SB) 622 and 623 (2013).

SB 623 allows the Department to access, use, or disclose sealed adoption records in its possession without a court order for the purpose of providing adoption services or administering child welfare services. The bill and rules define which records are included. The Child Permanency or Post-Adoption Program Manager or their designee must authorize all access, use, and disclosure of adoption records, papers and files. Some uses are automatically approved. Please refer to the attached document for a list of approved uses:

http://www.dhs.state.or.us/policy/childwelfare/pt/2014/cw_pt_14_004att.pdf

SB 622 clarifies the records that are contained in juvenile court files, the confidential nature of those records, and the rights of access to those records. The Department may not disclose records and information in its possession that are also contained in the juvenile court's record of the case or supplemental confidential file except as provided in the bill. The bill and rules define which documents this applies to. Further limitations are described in the rules.

Specific changes to the rules include:

- Adding a definition of "adoption records, papers and files"
- Making the rules regarding disclosure of adoption records consistent with SB 623
- Modifying the language regarding adoption assistance records
- Making the rules on disclosure of juvenile court records consistent with SB 622
- In addition, other changes to the rules include:
 - Making definitions of terms used in the rules consistent with definitions in other rules
 - Updating language and cross-references
 - Removing redundant language

The section of the procedure manual pertaining to confidentiality (Chapter 1, Section 4) is being updated to be consistent with the law and rule changes. In cases where the procedure is in conflict with the law and rules, the law and rules control.

In addition, a new section regarding adoption records will be added to Chapter 5 of the procedure manual.

Implementation/transition instructions: Anyone with access to Child Welfare records should be familiar with the law and rule changes, and must only access, use, and disclose adoption records, adoption assistance records, and juvenile court records as provided in the law, rules, and procedure.

Training/communication plan: The procedure manual is being updated to include directions on when it is appropriate to access, use, or disclose adoption records. The directions that will be used in the procedure manual have been dispersed to District Managers, Program Managers, Supervisors, and persons attending Permanency Quarterlies. The directions are also attached above.

Local/branch action required: The local branches should familiarize themselves with the new rules and directions. If branches have questions about adoption records, these can be directed to the Child Permanency or Post Adoption Services unit in Central Office.

Central office action required: Central Office is updating the section of the procedure manual regarding confidentiality, and has written new procedures regarding adoption records that will soon be posted in the procedure manual. In the meantime, the new procedures regarding adoption records are available and have been dispersed to the field offices.

Field/stakeholder review: ☒ Yes ☐ No

If yes, reviewed by: Draft rules were reviewed by Policy Council and were subject to the public notice and comment process.

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Cathy Ostrand-Ponsioen		
Phone:	503-945-6287	Fax:	503-945-6969
E-mail:	cathy.ostrand-ponsioen@state.or.us		